

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

BISOUS BISOUS LLC,

*Plaintiff,*

v.

THE CLE GROUP, LLC,

*Defendant.*

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C.A. No. 3:21-cv-01614-B

Jury Trial Demanded

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**DECLARATION OF KENNETH P. KULA**

I, Kenneth P. Kula, do hereby declare and state as follows:

1. I am over the age of eighteen and have personal knowledge of the facts set forth in this Declaration. I am competent to testify as to all matters stated, and I am not under any legal disability that would in any way preclude me from testifying.

2. I am Senior Counsel with the law firm of Buether Joe & Counselors, LLC.

3. Attached as Exhibit 1 is a true and correct copy of the Executed Declaration of Justin Zachariah Truesdell, dated July 27, 2021.

4. Attached as Exhibit 8 is a true and correct copy of a webpage for Dallas's *bisou* CONTINENTAL CUISINE captured on July 26, 2021.

5. Attached as Exhibit 9 are true and correct copies of webpages for Dallas's *bisou* CONTINENTAL CUISINE captured on July 26, 2021.

6. Attached as Exhibit 10 is a true and correct copy of Bisous Bisous LLC's Assumed Name Certificate for Filing with the Secretary of State, dated January 3, 2013.

7. Attached as Exhibit 11 is a true and correct copy of a webpage of Plaintiff Bisous Bisous Patisserie captured on July 26, 2021.

8. Attached as Exhibit 12 is a true and correct copy of Bisous Bisous LLC's Certificate of Formation dated December 27, 2012.

9. Attached as Exhibit 13 is a true and correct copy of a photo from Plaintiff's website of the exterior of Plaintiff's bakery captured on or about July 26, 2021.

10. Attached as Exhibit 14 is a true and correct copy of a photo from Plaintiff's website of the interior of Plaintiff's bakery captured on or about July 26, 2021.

11. Attached as Exhibit 15 is a true and correct copy of the "collections/tarts" section from Plaintiff's website for its bakery captured on or about July 26, 2021.

12. Attached as Exhibit 16 is a true and correct copy of a photo from Plaintiff's website of the exterior of the bakery's food truck captured on or about July 26, 2021.

13. Attached as Exhibit 17 is a true and correct copy of the "experience" section of a webpage for non-party Houston's *bisou* CONTINENTAL CUISINE captured on July 26, 2021.

14. Attached as Exhibit 18 is a true and correct copy of the online menu section of a webpage for non-party Houston's *bisou* CONTINENTAL CUISINE captured on July 26, 2021.

15. Attached as Exhibit 19 is a true and correct copy of the online Happy Hour menu section of a webpage for non-party Houston's *bisou* CONTINENTAL CUISINE captured on or about July 26, 2021.

16. Attached as Exhibit 20 is a true and correct copy of an article titled "A Beloved Dallas Bakery Is Raising Cash to Sue a Very Similarly Named New Restaurant," URL:

<https://dallas.eater.com/2021/7/12/22574179/bisous-bisous-patisserie-gofundme-lawsuit-against-bisou-restaurant-uptown>, captured on or about 23, 2021.

17. Attached as Exhibit 21 is a true and correct copy of the United States Patent and Trademark Office's Trademark Electronic Search System result pertaining to The CLE Group, LLC and its filing for the "BISOU CONTINENTAL" service mark, captured on or about July 27, 2021.

18. Attached as Exhibit 22 is a true and correct copy of the "Gallery" section of webpages for Dallas's *bisou* CONTINENTAL CUISINE captured on or about July 27, 2021.

19. Attached as Exhibit 23 is a true and correct copy of the online menu webpage for Dallas's *bisou* CONTINENTAL CUISINE captured on or about July 26, 2021.

20. Attached as Exhibit 24 are true and correct copies of a webpage compilation of photos of the interior of Dallas's *bisou* CONTINENTAL CUISINE captured on or about July 26, 2021.

21. Attached as Exhibit 25 is a true and correct copy of the United States Patent and Trademark Office's Trademark Electronic Search System results for the term "bisou" captured on July 27, 2021.

22. Attached as Exhibit 26 is Plaintiff's Attorney's Letter to the The CLE Group, LLC, dated January 26, 2021.

23. Attached as Exhibit 27 is a true and correct copy of Google Reviews for Plaintiff Bisous Bisous Pâtisserie, captured on July 28, 2021.

I declare the foregoing to be true under the penalty of perjury on the 28th day of July, 2021.

/s/ Kenneth P. Kula  
Kenneth P. Kula